

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

QUINSTREET, INC.,

Plaintiff,

v.

C.A. No. 06-495-SLR

PARALLEL NETWORKS, LLC,

Defendant.

**STIPULATION AND ORDER AMENDING
JOINT DISCOVERY PLAN AND SCHEDULING ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto and subject to the approval and order of the Court, that the May 25, 2007 Joint Discovery Plan and Scheduling Order (D.I. 28) shall be amended as follows:

2. **Discovery.**

(a) Discovery will be needed on the following subjects:

- (1) Infringement of U.S. Patent No. 5,894,555 ("the '554 Patent");
- (2) Infringement of U.S. Patent No. 6,415,335 ("the '335 Patent");
- (3) Validity and enforceability of the '335 Patent and the '554 Patent;
- (4) Damages; and
- (5) Willful infringement.

(b) All fact discovery shall be commenced in time to be completed by November 14, 2008.

(1) Document production shall be completed on or before June 9, 2008.

(2) Maximum of twenty-five (25) interrogatories by each party to any other party.

(3) In the absence of agreement among the parties, contention interrogatories, if served, shall first be addressed by the party with the burden of proof no later than the date established for the completion of document production, with the responsive answers due within thirty (30) days thereof. The adequacy of all such interrogatory answers shall be judged by the level of detail each party provides; i.e., the more detail a party provides, the more detail a party shall receive.

(4) Maximum of twenty-five (25) requests for admission by each party to any other party. Requests for admission to establish the authenticity and/or admissibility of a document do not count against this limit.

(5) In the absence of agreement among the parties or by order of the Court, no deposition (other than those noticed under Fed. R. Civ. P. 30(b)(6)) shall be scheduled prior to the completion of document production.

(6) Maximum of 100 hours of fact depositions per side. Each fact deposition (other than depositions pursuant to Fed. R. Civ. P. 30(b)(6)) limited to a maximum of seven (7) hours unless extended by agreement of the parties.

(c) Expert discovery shall be commenced in time to be completed by March 16, 2009.

(1) Expert reports on issues for which the parties have the burden of proof due on December 19, 2008. Rebuttal reports shall be due on February 9, 2009.

(2) Expert depositions to be limited to a maximum of seven (7) hours per expert unless extended by agreement of the parties. These hours are in addition to the hours allotted for fact depositions.

(3) All *Daubert* motions shall be filed on or before April 17, 2009.

6. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before May 8, 2009. The parties will file opposition briefs on June 1, 2009, and reply briefs on June 15, 2009. No summary judgment motion may be filed more than ten (10) days before the above date without leave of the court.

7. **Claim Construction.** Lawyers must identify, during the claim construction phase of the case, any claim language that will have a meaning to a person of ordinary skill in the art that differs from the ordinary meaning. Any language not so identified will be construed according to its ordinary meaning.

The parties shall agree upon and file the Joint Claim Construction Statement on March 23, 2009, with the claim chart separately docketed. The parties will file simultaneous opening claim construction briefs on May 8, 2009. Simultaneous response briefs shall be filed on June 15, 2009. Issues of claim construction shall be considered by the Court in conjunction with summary judgment motions. The hearing on the claim construction and motions for summary judgment shall be heard on August 21, 2009 at 9:30 a.m.

10. **Pretrial Conference.** A pretrial conference will be held on October 1, 2009, at 11:30 a.m. in courtroom 6B, sixth floor Federal Building, 844 King Street,

Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

11. **Trial.** This matter is scheduled for a two week jury trial commencing on October 13, 2009, in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

All other dates in the May 25, 2007 Joint Discovery Plan and Scheduling Order remain in effect .

/s/ Anne Shea Gaza

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SO ORDERED this _____ day of _____, 2008,

Honorable Sue L. Robinson, U.S.D.C.